



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,353	07/10/2003	Kenneth J. Vosniak	60497.000014	1558
21967	7590	07/19/2006	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			HORWAT, JENNIFER A	
			ART UNIT	PAPER NUMBER
			3768	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,353

Applicant(s)

VOSNIAK ET AL.

Examiner

Jennifer Horwat

Art Unit

3768

Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/9/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19, 23-31, and 35 rejected under 35 U.S.C. 102(e) as being anticipated by Waku, et al (US 2002/099571). Waku discloses a method of configuring a scan in an imaging device comprising data acquisition for a first patient (figure 4) wherein basic patient information is input (paragraph 172). The system may be used for management of imaging diagnostic apparatuses including x-ray, computed tomography, magnetic resonance, and nuclear medicine, which is known to include both PET and SPECT imaging systems. A list of patients is provided, wherein scanning of one patient immediately follows the scanning of the previous patient according to schedule (paragraph 179). As shown in figures 5 and 6, there are multiple processes for each patient as well as multiple patients in the database. The system may execute medical works, such as the processes shown in figures 5 and 6, relating to a plurality of patients in parallel in a single apparatus (paragraph 36). Therefore it is interpreted that the patient identification step for a second patient may take place in parallel with the scan of

Art Unit: 3768

a prior patient (figure 5). Before a patient is scanned, they go through the steps of patient identification, scanning, reconstruction, image processing, etc. in the order they are provided. Additionally, a patient identification card is used to prevent a patient from being mistaken and is used to start the treatment, for example the imaging, or the patient (paragraph 187). The database of all patients may be queried to determine the next patient, for example obtaining a list of patients for the entire radiation section or only for one particular imaging system or the time the exam is schedule (figure 7). A filter is used to limit the display to desired information (paragraph 109). Information may be downloaded from a central or global database (figure 16) and also may be entered locally, as previously described. Parameters for a scan are entered, such as the contrast medium desired (paragraph 141) and the plans for the scan, or scan protocol (paragraph 142). A controller allows processes to be executed automatically, including executing parallel processes, which allows the steps to be completed in a single action (paragraph 52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waku in view of Liu, et al (US 6505064). Waku, as discussed above, substantially

Art Unit: 3768

discloses the invention as claimed. Although Waku discloses using a filter to limit the patient list display to desired information (paragraph 109), Waku fails to explicitly disclose that the criteria for the filter includes tracer injection time. Liu discloses a diagnostic imaging system using a contrast agent and further discloses that time course information such as blood flow rate, contrast agent propagation, and contrast agent peak arrival time, is logged in a database which provides additional diagnostic information or timing information for future reference (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Waku in light of the reference by Liu to include contrast timing information to the database disclosed by Waku to provide timing information, as disclosed by Liu, for future procedures, such as imaging, such that an image is taken at the time when contrast will be the most beneficial, such as during the peak arrival time.

5. Claims 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waku in view of Nenov, et al (US 2004/0073453). Waku, as discussed above, substantially discloses the invention as claimed. Although Waku discloses using a filter to limit the patient list display to desired information (paragraph 109), Waku fails to explicitly disclose that the criteria for the filter includes patient arrival time. Nenov also discloses a hospital data management system and further discloses that clinical management data may include patient's arrival time such that the physician may be updated as to the status of the patient and arrange his or her schedule accordingly (paragraph 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Waku in light of the reference by Nenov to

Art Unit: 3768

include arrival time information to the database disclosed by Waku such that the list of patients is up to date as to which patients have actually arrived to reduce time physicians and imaging technicians are waiting for late patients.

6. Claims 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waku in view of Lee, et al (US 2003/0093296). Waku, as discussed above, substantially discloses the invention as claimed. Although Waku discloses using a filter to limit the patient list display to desired information (paragraph 109), Waku fails to explicitly disclose that the criteria for the filter includes patient registration time. Lee discloses a model of general hospital tasks that are monitored by a hospital information system including registration of a patient (paragraph 41) allowing integration between the order communication system and the information management system.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Waku in light of the reference by Lee to include arrival time information to the database disclosed by Waku such that the list of patients is up to date as to which patients have been registered to allow the status of the patient to be monitored and available for the filtering of pending patients, as disclosed by Waku, to provide improved patient flow.

Conclusion

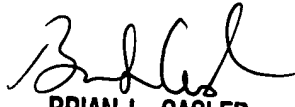
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moriyama teaches a system of note.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Horwat whose telephone number is (571) 272-2811. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on (571) 272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jah
7/7/06


BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700